

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.16 OF 2019
(Mangalabai Shankarrao Patil Vs. Vithal Mokhedi Patil and others)
IN
WRIT PETITION NO.12446 OF 2018

Mr.V.V.Bhavthankar, learned Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/01/2019

PER COURT :

1. By this application, the applicant prays for reviewing the order passed by this Court (Coram : N.M.Jamdar, J.) dated 28/11/2018.
2. I have heard the submissions of the learned Advocate for the review applicant and have perused the review application paper book as well as the writ petition paper book with his assistance.
3. The petitioner is the plaintiff who had proposed 4 issues in his application Exh.44 in SCS No.9/2016. Since the application was rejected by order dated 15/09/2018, the writ petition was filed. This Court perused the 8 issues framed by the Trial Court and considered the proposed 4 issues. It was concluded that the issues regarding the ancestral property, undivided share, entitlement of the parties,

relief of declaration, are covered and as such there is no necessity to add to the list of issues already cast.

4. I have perused the proposed issues and I find that the proposed issue Nos. A and B are squarely covered by issue No.1 which is already framed. Proposed issue No.C is covered by issue no.2 and the proposed issue No.D is in general form as regards 'whether the suit is bad for non-joinder of parties', which can not be framed at the mere askance.

5. In view of the above, I do not find that the order dated 28/11/2018 suffers from an error apparent on the face of the order. This application, being devoid of merit is, therefore, rejected.

(Ravindra V.Ghuge, J.)